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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEPHEN MERRITT,)	Case No. 2:23-cv-09217-MEMF-KS
Individually and on Behalf of All)	
Others Similarly Situated,	)	DEFENDANT BARCLAYS PLC'S REQUEST
	)	FOR JUDICIAL NOTICE IN SUPPORT OF
Plaintiff,	)	ITS MOTION TO DISMISS THE SECOND
	)	AMENDED COMPLAINT
v.)	
	)	[Declaration; and [Proposed] Order Filed
BARCLAYS PLC, JAMES E.	)	Concurrently]
STALEY, and NIGEL HIGGINS,)	
	)	Date: November 13, 2025
Defendants.	)	Time: 10:00 A.M.
	)	Courtroom: 8B
	)	Judge: Hon. Maame Ewusi-Mensah Frimpong
)	
)	
)	
)	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant Barclays PLC respectfully requests that the Court consider, in connection with its Motion to Dismiss the Second Amended Complaint (“Motion”), Exhibits 1-3 attached to the accompanying Declaration of Adam S. Paris (the “Paris Declaration”):

Exhibit 1: A true and correct copy of the Brief for United Kingdom as Amicus Curiae, *Morrison v. Nat’l Aus. Bank Ltd.*, No. 08-1191 (U.S. Feb. 25, 2010).

Exhibit 2: A true and correct copy of the Brief for United Kingdom as Amicus Curiae, *Toshiba Corp. v. Auto. Indus. Pension Trust Fund*, No. 18-486 (U.S. Dec. 4, 2018).

Exhibit 3: A true and correct copy of Plaintiffs’ initial disclosures, dated August 14, 2025.

Each of these Exhibits may be properly considered by the Court in connection with Defendants’ Motion because Exhibits 1 and 2 are subject to judicial notice, and Exhibit 3 may be considered as substantive evidence without the need for judicial notice.

1 Rule 201 of the Federal Rules of Evidence allows a court to take judicial notice of facts
2 that are “not subject to reasonable dispute” because they are either “(1) generally known within
3 the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from
4 sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

5 Exhibits 1 and 2—amicus briefs filed by the U.K. government in the U.S. Supreme
6 Court—are proper subjects of judicial notice. A court may take “judicial notice of an amicus
7 brief filed with the Supreme Court.” *Markel v. Union of Orthodox Jewish Congregations of*
8 *Am.*, 124 F.4th 796, 812 n.7 (9th Cir. 2024); *see RJR Nabisco v. Eur. Cmty.*, 579 U.S. 325, 347-
9 48 & n.9 (2016) (considering amicus briefs filed by foreign governments in prior cases).
10 Indeed, a “federal court should carefully consider a foreign state’s views about the meaning of
11 its own laws,” *Animal Sci. Prods., Inc. v. Hebei Welcome Pharm. Co.*, 585 U.S. 33, 43 (2018).

12 The third exhibit to the Paris Declaration is Plaintiffs’ initial disclosures, which Barclays
13 submits solely as part of its argument for dismissal under *forum non conveniens*. Because “the
14 court may consider evidence outside the pleadings” on a “motion to dismiss for forum non
15 conveniens,” the Court may consider it as substantive evidence without the need for judicial
16 notice. *Dickens v. NXP Semiconductors*, 703 F. Supp. 3d 1013, 1019 (N.D. Cal. 2023); *see N.Z.*
17 *v. Fenix Int’l Ltd.*, 2025 WL 1122493, at *3 (C.D. Cal. Apr. 9 2025) (same).

18 CONCLUSION

19 For the foregoing reasons, Exhibits 1 and 2 attached to the Paris Declaration are properly
20 the subject of judicial notice and all three Exhibits should be considered by this Court in
21 connection with Defendant Barclays PLC’s concurrently filed motion to dismiss the Second
22 Amended Complaint.

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24 Dated: September 5, 2025
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/s/ Adam S. Paris

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